

**REMARKS**

Claims 3, 5 through 20, 22, and 24 through 26 were presented for examination in the present application. The instant amendment adds new claim 27. Thus, claims 3, 5 through 20, 22, and 24 through 27 are presented for consideration upon entry of the instant amendment.

Claims 3, 5 through 18, 22, and 24 through 26 were rejected under 35 U.S.C. 112, second paragraph. Claims 3, 5 through 18, 22, and 24 through 26 have been amended accordingly. Reconsideration and withdrawal of the rejections to claims 3, 5 through 18, 22, and 24 through 26 are respectfully requested.

Claims 3, 5 through 11, 13, 15, 17, 22, 24, and 25 were rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/41310 ("the '310 patent"). Claims 12, 14, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over the '310 patent. Claims 16, 19, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over the '310 patent, and further in view of EP 773257 ("the '257 patent").

Independent claim 19 recites "A process for wrapping an object comprising applying a shrink film about said object and shrinking said film by the application of heat thereto, wherein said film is a shrink film comprising a polyethylene film of thickness 5 to 500  $\mu\text{m}$ , wherein said polyethylene comprises an ethylene homopolymer-copolymer mixture having an ethylene homopolymer component and a ethylene copolymer component, the ethylene homopolymer-copolymer mixture having a molecular weight distribution in the range 5 to 40 and a weight average molecular weight of at least 100 kD, the ethylene homopolymer component having a density of 960 to 980  $\text{kg/m}^3$  (emphasis added)".

Independent claim 20 recites "An object shrink wrapped with a shrink film comprising a polyethylene film of thickness 5 to 500  $\mu\text{m}$ , wherein said polyethylene comprises an ethylene homopolymer-copolymer mixture having an ethylene homopolymer component and an ethylene copolymer component, the ethylene

homopolymer-copolymer mixture having a molecular weight distribution in the range 5 to 40 and a weight average molecular weight of at least 100 kD, the ethylene homopolymer component having a density of 960 to 980 kg/m<sup>3</sup> (emphasis added)".

The Office Action considers the '310 patent to be the nearest piece of prior art to the present invention and asserts that the present invention is obvious after combination with the '257 patent. The Office Action acknowledges that the '310 patent does not mention shrink films and gives no teaching whatsoever that the polymers therein might be shrink films. Nevertheless, the Office Action asserts that one of ordinary skill in the art practicing the invention of the '310 patent would find the '257 patent and combine the references, thereby rendering the present invention obvious. Applicants respectfully disagree.

First, the '310 patent and the '257 patent are directed to very different polymer end uses and actually exemplify very different materials. The examples of the '257 patent are of a copolymer copolymer blend of two ethylene copolymers. Their densities are 922 and 923 kg/m<sup>3</sup>. The '310 patent requires a low molecular weight component having a density of 960 kg/m<sup>3</sup> or more. The polymers of the '310 patent while having an overall density similar to those of the '257 patent are actually made up therefore of two very different components having vastly differing densities. Contrast the '257 patent where both components exemplified have almost identical densities. It is only by taking the very extreme ranges of density in the '257 patent description that any overlap between the polymers described can be found at all and a minimum low molecular weight component density of 960 kg/m<sup>3</sup> is well outside the preferred component density range in the '257 patent. There is no actual disclosure in the '257 patent that copolymer copolymer blends with a component having a density of over 960 kg/m<sup>3</sup> actually function as shrink films at all.

The '310 patent disclosure does concern films and the only suggested uses of its films are in packaging lines (page 1 lines 16). No suggestion of shrink films is made. It is incorrect to assume that because the '257 patent shows that some

copolymer/copolymer blends are suitable as shrink films and because the '310 patent covers copolymer/copolymer blends and homopolymer/copolymer blends that homopolymer/copolymer blends described in the '310 patent would also be suitable as shrink film. We do not see any way in which this assumption can be supported. Just because both homopolymer/copolymer blends and copolymer/copolymer blends can be used on packaging lines does not mean that both those types of films act as shrink films.

Moreover, the '257 patent is exclusively limited to copolymer blends perhaps suggesting to the one of ordinary skill that the use of homopolymer/copolymer blends in shrink films is not possible. Neither document considers how homopolymer-copolymer blends will behave in shrink films. There is simply no evidence in either prior art document that homopolymer/copolymer blends act as shrink films. In fact, the '257 patent actually teaches away from the use of homopolymer-copolymer blends as shrink films.

The change from a copolymer component to a homopolymer component is significant. The change from the examples of the '257 patent (using two copolymers of around  $922 \text{ kg/m}^3$  density) to a homopolymer copolymer blend in which the homopolymer has a density of  $960$  to  $980 \text{ kg/m}^3$  is very significant. There is quite simply no expectation that such a giant change would still result in a shrink film.

Thus, even if the combination with the '257 patent can be made, which Applicants strongly disagree with, the combination still does not teach the present invention. The person having ordinary skill in the art at the time of the claimed invention would still need to make an additional step to realize that the homopolymer/copolymer blends claimed are shrink films and neither the '310 patent nor the '257 patent teaches that.

Applicants also believe it is also worth noting that a feature of the '257 patent is that it is exclusively limited to low molecular weight polymers. The maximum weight of

their polymer is 225,000 and this feature is used to distinguish the prior art. The polymer exemplified in our Example 1 has a molecular weight of 240,000 and is therefore outside the range in claim 1 of the '257 patent. Thus, the present invention contemplates using polymers which are of too high molecular weight according to the '257 patent.

There is absolutely no teaching in the cited art that disclose or suggest that the exemplified polymers in the present application would be shrink films as their molecular weight is higher than that described in the '257 patent.

As such, Applicants respectfully submit that one of ordinary skill in the art would not combine the cited art as proposed. Furthermore, even if one were to combine the references, which he would not, the combination still fails to disclose the elements claimed in independent claims 19 and 20.

Independent claim 20 is in condition for allowance. Claims 3, 5 through 18, 22, and 24 through 26 depend from claim 20 and are in condition for allowance for at least the reasons set forth above with regard to claim 20. Claim 19 is also in condition for allowance for the reasons set forth above. Reconsideration and withdrawal of the rejections to claims 3, 5 through 20, 22, and 24 through 27 are respectfully requested.

New claim 27 has been added to point out various aspects of the present application. Support for new claim 27 can be found in the specification at least in original claims 3 and 5.


It is believed that new claim 27 is in condition for allowance. For example, claim 27 depends from allowable claim 20.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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